

## Animas

**Carol Campbell** to: Hestmark.Martin, Martin.Jim, Ostrander.David, Land.Kelcey, Sabrina Forrest

10/20/2011 12:38 PM

From: Carol Campbell/R8/USEPA/US

To:

Cc: Gaydosh.Mike@epamail.epa.gov, Cohn.Matthew@epamail.epa.gov

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My strategy would be as follows-

for Helen et al. give them a draft MOU to work from so that we can have agreed upon roles going forward, which should minimize issues. may want to include state in this MOU. This could speed up the time it takes to negotiate one of these.

for Animas itself- if we can't list perhaps we can pursue something similar to Arco- Rico which is to have PRPs do work under an enforcement agreement of some sort, and reimburse us for our oversight costs. There the plan is to get a water treatment plant built but turn over to state water folks via an NPDES permit once the facility is operational. I don't want to stop the listing process yet as I think it is bringing people to the table. We can always propose or almost propose and then never finalize as we did for Kennecott.

I can't be at tomorrow's meeting as I have some family obligations tomorrow (Heather's 31st bday) but look forward to hearing what Helen had to say. cc

Carol L. Campbell, Assistant Regional Administrator  
Office of Ecosystem Protection and Remediation  
United States Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, Colorado  
80202

303-312-6340 (W)  
303-312-6071(fax)

----- Forwarded by Carol Campbell/R8/USEPA/US on 10/20/2011 12:14 PM -----

From: Martin Hestmark/R8/USEPA/US

To: Jim Martin/R8/USEPA/US@EPA

Cc: campbell.carol@epa.gov, Daniel Heffernan/R8/USEPA/US@EPA, David Ostrander/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Sabrina Forrest/R8/USEPA/US@EPA

Date: 10/20/2011 09:11 AM

Subject: Fw: Friday's Meeting with Jim MARTin

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So here is what we know about your meeting with Helen H on Friday. So anticipating this, I have attached the presentation we made to the community this August. Look specifically at slides 13-21 for our view and what we presented regarding the pros and cons of the various options that we can anticipate presently.

[attachment "FinalCement Creek ARSG\_Community Mtg 081811.pptx" deleted by Carol

Campbell/R8/USEPA/US]

Generally, I think our message remains that we want to work collaboratively to address the water quality issues that remain and are getting worse since the Gladstone water treatment facility was dismantled. Water treatment or plugging are candidates but if we don't conduct RI/FS we are likely just guessing what needs to be done and why. Remedial (SF listing ) is the only real tool to substantively evaluate what should be done. Removal is not the right tool to perform water treatment in perpetuity. Doubt a Good Sam would do this either and our "Good Sam Administrative Tools" guidance does not allow us to enter in to Good Sam agreements when there are potentially viable PRPs. It is great that Kinross has stepped up, is likely due to our interest in listing and is also likely going to be thrown back at us if and when we issue 104 letters, but does not mean that they will walk away, What we really need to do now is work with BLM/FS and CDPHE to define an outreach effort intended to quantify support for listing or not. Then implement it and proceed accordingly or walk away, which may involve prompting a CWA enforcement action.

PS - Whom do you want to be present? BLM staff are coming to the meeting.

----- Forwarded by Martin Hestmark/R8/USEPA/US on 10/20/2011 08:57 AM -----

From: "Lewis, Brent R" <b1lewis@blm.gov>  
To: Martin Hestmark/R8/USEPA/US@EPA  
Date: 10/19/2011 12:45 PM  
Subject: RE: Friday's Meeting with Jim MArtin

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I haven't heard a word from Helen or other managers here. I'm guessing the topics will cover the various options for the overall strategy, particularly for CERCLA and PRPs, and ideas of how do we deal with a "non-CERCLA" strategy/option. We should also have some discussion of an MOU between EPA and BLM.

Thanks

Brent Lewis  
BLM State Office  
AML Program Lead  
303.239.3711

-----Original Message-----

From: Hestmark.Martin@epamail.epa.gov [mailto:Hestmark.Martin@epamail.epa.gov]  
Sent: Wednesday, October 19, 2011 12:21 PM  
To: Lewis, Brent R  
Subject: Re: Friday's Meeting with Jim MArtin

Great - will likely see you there. Any input from Helen on content/intent of the meeting?

From: "Lewis, Brent R" <b1lewis@blm.gov>  
To: Martin Hestmark/R8/USEPA/US@EPA  
Date: 10/19/2011 12:06 PM  
Subject: Friday's Meeting with Jim MArtin

Martin,

I've been instructed to attend the meeting with Jim Martin on Friday. I also think it's wise for me to attend the meeting in Silverton on Th afternoon so I will be in transit from Gunnison on Friday morning. My cell # is 720.231.1349 if anything critical develops.

Thanks

Brent Lewis  
BLM State Office  
AML Program Lead  
303.239.3711